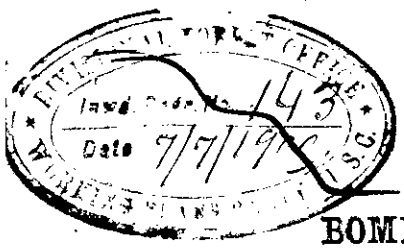

No 166

BOMBAY ACT No. I OF 1900.

An Act to amend the Bombay Civil Courts Act, 1869.

(The assent of the Governor-General of India to this Act was published by the Governor of Bombay on the 1st June 1900.)

XIV of 1869. X of 1876 & XV of 1880. XII of 1891. Bom. III of 1895. 55 & 56. Vic., c. 14.

WHEREAS it is expedient to amend the Bombay Civil Courts Act, 1869, as amended by the Bombay Revenue Jurisdiction Acts, 1876 and 1880, the Repealing and Amending Act, 1891, and by the Bombay Civil Courts Act Amendment Act, 1895; and whereas the previous sanction of His Excellency the Governor General required by section 5 of the Indian Councils Act, 1892, has been obtained for the passing of this Act; It is enacted as follows:—

Short Title.

1. This Act may be cited as "The Bombay Civil Courts Amendment Act, 1900."

Amendment of section 16.

XIV of 1869.

2. In the first sentence of section 16 of the Bombay Civil Courts Act, 1869, amended as aforesaid, after the word "value" where it first occurs shall be inserted the following:— "applications or references under Special Acts" and after the word "applications" where it occurs for the second time the words "or references" shall be inserted.

Amendment of section 21.

3. At the end of section 21 of the said Act, amended as aforesaid, the following shall be added:—

"Provided that for special reasons it shall be lawful for the Governor of Bombay in Council at any time to close temporarily any such Subordinate Court."

Amendment of section 23

4. (*a*) In the first paragraph of section 23 of the said Act, amended as aforesaid, after the word "jurisdictions" the following words shall be added:—

"Provided

[*Price—Half Anna.*]

"Provided that for special reasons it shall be lawful for the Governor of Bombay in Council to order that a Subordinate Judge shall hold his Court at a place outside the local limits of his jurisdiction."

(*b*) For the last paragraph of section 23 of the said Act, amended as aforesaid, there shall be substituted the following :—

"For the purpose of assisting the Judge of any Subordinate Court in the disposal of the civil business on his file, the Governor of Bombay in Council may appoint to such Court one or more Joint Subordinate Judges, or the District Judge may, with the previous sanction of the High Court, depute to such Court the Judge of another Subordinate Court within the district. A Subordinate Judge thus appointed or deputed to assist in the Court of another Subordinate Judge shall dispose of such civil business within the limits of his pecuniary jurisdiction as may, subject to the control of the District Judge, be referred to him by the Judge of such Court.

"For the purposes of this section the provisions of the Act applicable to Subordinate Judges shall be, and shall be deemed always to have been, applicable to Joint Subordinate Judges: Provided that no such Joint Subordinate Judge shall hear and determine any suit instituted under section 4 of the Dekkhan Agriculturists' Relief Act, 1879, unless the value of the said suit falls within the limits of the pecuniary jurisdiction conferred on him by that Act." XVII of 1879.

Amendment of section 27.

5. (*a*) In the first paragraph of section 27 of the said Act, amended as aforesaid, after the words "first class" there shall be inserted the following:—

"or any Judge of the Court of Small Causes established under the Provincial Small Cause Courts Act, 1887, in any place to which this section extends;" IX of 1887.

(*b*) In

(*b*) In the second paragraph of the said section after the words "first class" there shall be added the following :—

"or a Judge of a Court of Small Causes ;"

(*c*) For the third paragraph of the said section there shall be substituted the following :—

"A Subordinate Judge of the first class or a Judge of a Court of Small Causes, on whom the power of hearing appeals has once been conferred under this section, shall continue to have this power so long and so often as he may fill the office of Subordinate Judge of the first class or Judge of a Court of Small Causes, respectively, without reference to the district in which he may be employed : Provided that the Governor of Bombay in Council may, by notification in the *Government Gazette*, at any time withdraw such power."

Amendment of section 28.

6. For the first paragraph of section 28 of the said Act, amended as aforesaid, there shall be substituted the following :—

"The Governor of Bombay in Council may invest within such local limits as he shall from time to time appoint, any Subordinate Judge with the jurisdiction of a Court of Small Causes for the trial of suits cognizable by such Courts up to such amount as he may deem proper, not exceeding in the case of any Subordinate Judge of the first class one thousand rupees, and in the case of any Subordinate Judge of the second class two hundred rupees."

Amendment of section 40.

7. In section 40 of the said Act, amended as aforesaid, for the words "Governor of Bombay in Council" the words "the District Judge" shall be substituted, and for the words "the Governor General of India in Council" the words "the Governor of Bombay in Council," and after the word "Act" the following shall be added :—

"within the local limits of his jurisdiction."

8. After

Insertion of a new section 40A.

8. After section 40 of the said Act, amended as aforesaid, the following new section shall be inserted :—

Power to transfer clerk of the Court or ministerial officer.

"40A. (1) The Governor of Bombay in Council may transfer a clerk of the Court or ministerial officer from any Civil Court under this Act to any other such Court.

"(2) The District Judge may transfer a clerk of the Court or ministerial officer from any such Court within the local limits of his jurisdiction to any other such Court within those limits."

Insertion of a new section.

9. After section 41 of the said Act, amended as aforesaid, the following new section shall be inserted :—

Licensed Petition-writers.

"41A. (1) The High Court may, from time to time, make rules consistent with this Act and any other enactment for the time being in force—

(*a*) declaring what persons shall be permitted to act as petition-writers in the Courts subordinate to it ;

(*b*) regulating the issue of licenses to such persons, the conduct of business by them, and the scale of fees to be charged by them ; and

(*c*) providing a penalty of fine not exceeding fifty rupees for the breach of any of the rules so made, and determining the authority by which such breaches of the rules shall be investigated and the penalties imposed.

(2) Every fine imposed under clause (*c*) of subsection (1) shall be recoverable as if it were a fine imposed by a Magistrate in the exercise of his ordinary jurisdiction."

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS